

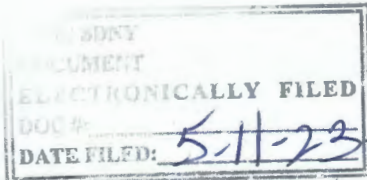
**LUPKIN** PLLC

80 Broad Street, Suite 3103  
New York, NY 10004

Tel: (646) 367-2771

Fax: (646) 219-4870

www.lupkinpllc.com



April 27, 2023

**VIA ECF**

The Honorable Lewis A. Kaplan  
United State District Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

**Re: Terra Towers Corp. et al. v. Telecom Business Solution, LLC et al.,  
Case No. 1:22-cv-07301-LAK-RWL**

Dear Judge Kaplan:

We represent Petitioners Terra Towers Corp., TBS Management S.A., and DT Holdings, Inc. ("Petitioners"). Pursuant to Federal Rule of Civil Procedure 5.2(d), Petitioners respectfully seek leave to file under seal:

- (1) Petitioners' Memorandum of Law in Support of Motion for Leave to Supplement Amended Petition to Disqualify Arbitration Panel and
- (2) Declaration of Michael B. Smith and its exhibits.

The Arbitration out of which this proceeding arises is governed by a procedural order that requires the parties to:

treat the details of the Arbitration as private and confidential, except to the extent necessary to comply with mandatory applicable laws, including regulatory obligations, court orders, or orders of a regulatory or an administrative body, or to comply with obligations to insurers, auditors, accountants, or investors. In such cases, the disclosure shall not extend beyond what is legally required and any non-governmental recipients shall commit to maintain the information in confidence.<sup>1</sup>

<sup>1</sup> Procedural Order No. 2, ¶ 22 (ECF No. 6-1).

SO ORDERED

  
LEWIS A. KAPLAN/USDJ

5/11/23

Hon. Lewis A. Kaplan

April 27, 2023

Page 2 of 2

This order is consistent with the confidentiality provisions of the parties' underlying Shareholders Agreement, under which each party agreed not to disclose any confidential information disclosed to it by another shareholder or the Company, subject to limited exceptions.<sup>2</sup> The documents listed above contain information covered by the confidentiality order and the Shareholders Agreement.

Respondents will confer with Petitioners concerning possible redactions of these materials. In the meantime, for the reasons discussed above, Respondents respectfully request leave to file under seal their Memorandum of Law in Support of their Motion for Leave to Supplement the Amended Petition to Disqualify the Arbitration Panel and supporting documents.

Respectfully submitted,

/s/ Michael B. Smith

Michael B. Smith

cc: all Counsel of Record (via ECF)

---

<sup>2</sup> See ECF No. 9-1 § 6.03.